

REMARKS

Claims 33-62 are currently pending in this Application. Claims 33, 46, and 53 are amended with this Response. The Examiner's rejections will now be addressed in turn.

Rejections under 35 U.S.C. 102(b)

Claims 33-40, 45-48, and 53-58 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,708,993 to Campbell (Campbell hereinafter). Applicant respectfully traverses.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicant's amended claims 33, 46, and 53 recite *inter alia*,

"a controller... said controller being wire or wirelessly connected to said at least one user interface."

Campbell does not teach a controller that is wire or wirelessly connected to at least one user interface. In fact, Campbell does not teach a controller that may be electrically connected to an interface at all. Instead, Campbell teaches a tiller 76 that is used for wheel control, and thus, Campbell teaches no electrical control of wheel position. Accordingly, for at least this reason set forth above, Campbell does not teach every element of Applicant's claims 33, 46, and 53, or claims 34-40, 44-45, 47-48, and 54-58 that depend variously therefrom.

Applicant's amended claims 33, 46, and 53 recite *inter alia*,

"a direct change of wheel position from 0 to 90 degrees."

Campbell does not teach a direct change of wheel position from 0 to 90 degrees. Instead, Campbell teaches unrestricted control of wheel position within end stops. The Campbell

invention as a whole relies on flexibility in positioning of the lifting arm together with the use of stabilizers whereby positioning of the lift less critical. *However*, the lift disclosed in Campbell is more vulnerable during transport because the *unrestricted control of the wheel position* makes it difficult to foresee wheel stability of the lift with a suspended patient, and may result in tumbling of the lift. A direct change of wheel position from 0 to 90 degrees allows only for forward, reverse, and side movements so as to more stably position the lift and arm. For at least this additional reason, Campbell does not teach every element of Applicant's claims 33, 46, and 53, or claims 34-40, 44-45, 47-48, and 54-58 that depend variously therefrom.

Claims 33-40, 45-48, and 53-58 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,578,371 to VanDyke (VanDyke hereinafter). Applicant respectfully traverses.

Applicant's claim 33 recites *inter alia*,

"at least one of said wheels is directional controllable."

VanDyke does not teach at least one wheel to be directionally controllable. Instead, referring to Figure 2 and 5, and column 13, lines 45-53, Vandyke teaches wheel with fixed positions. For at least this reason, VanDyke does not teach every element of Applicant's claim 33, or claims 34-40 and 44-45 that depend therefrom. Furthermore as claims 46 and 53 recite similar elements pertaining to directional control of the wheels, VanDyke does not teach every element of Applicant's claims 46 and 53, or claims 47-48, and 54-58 that respectively therefrom.

Rejections under 35 U.S.C. §103(a):

Claims 41, 52, and 62 stand rejected under 35 U.S.C. §103(a) as being unpatentable over VanDyke in view of U.S. Patent No. 6,857,144 to Huang (hereinafter "Huang"). Applicant respectfully traverses.

Applicant first notes that Huang is not prior art over Applicant's claims, as Huang was filed on 12 August 2003, and the priority date of Applicant's claims is 3 February 2003.

Furthermore, for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 41, 52, and 62 depend from claims 33, 46, and 54 respectively. As such, these claims include all of the limitations of claims 33, 46, and 54 respectively. Thus, for at least the reasons discussed with reference to claims 33, 46, and 54 respectively, the VanDyke does not teach every element of Applicant's claims 41, 52, and 62. As Huang does not remedy the deficiencies of VanDyke, any proposed combination of the proposed combination of VanDyke and Huang also does not teach every element of Applicant's claims 41, 52, and 62. Accordingly, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 41, 52, and 62 with respect to the proposed combination of VanDyke and Huang. Since the proposed combination of VanDyke and Huang fails to teach or suggest all of the limitations of claims 41, 52, and 62, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify or combine the references, or a reasonable likelihood of success in forming the claimed invention by modifying or combining. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Conclusion

All of the rejections are herein overcome. No new matter is added by way of the present Amendments and Remarks, as support is found throughout the original filed specification, claims and drawings. Moreover, the amendments as presented do not alter the scope of the claimed invention and therefore cannot necessitate a new grounds rejection. Issuance of Notice of Allowance is respectfully requested.

Applicant hereby petitions for any necessary extension of time required for consideration of this Response.

Please charge any fees due with respect to this Response, or otherwise regarding the application, to Deposit Account 06-1130 maintained by Applicant's attorneys.

Please contact the undersigned for any reason. Applicant seeks to cooperate with the Examiner, including via telephone, if convenient for the Examiner.

Respectfully submitted,

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